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★ FEB 02 2012 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

JOHN DOE,

Defendant.

-----X
GLASSER, United States District Judge:

In a letter dated January 26th, 2012, the government moved this Court for an Order that would direct the designated parties to brief the issue regarding whether Richard Roe should be permanently enjoined from publicly disseminating the specifically identified sealed documents in his possession. The motion was granted and an Order styled "Scheduling Order" was issued on that date. That Order is not sealed. Oral argument is to be held on March 9th, 2012 at 11 a.m.

The letter motion in support of that requested Order was "Submitted under Seal." The Court approved that submission, fully aware of the public's qualified First Amendment and common law right of access and aware also of the limitation upon those rights warranted by the factors discussed in United States v. Amodeo, 44 F.3d 141, 147 (2d Cir. 1995). Among those factors were the need to "preserve higher values," including the integrity of an ongoing investigation and the safety of John Doe, which were duly considered and found to weigh more heavily in the balance.

A letter from Richard Roe, transmitted to the Court by facsimile and dated January 31, 2012, "demanding" the unsealing of the government's January 26th letter is denied. He also requests that the Court expand the breadth of the issues to be

ORDER
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considered at oral argument, which is also denied. The discrete issue to be addressed at oral argument is whether Richard Roe violated an Order of this Court by publishing the specifically identified documents in his possession and if he has, should he be permanently enjoined from disseminating them. The issue sought to be added will be scheduled and heard in due course.

SO ORDERED.

Dated: Brooklyn, New York
February 2, 2012

s/ILG

I. Leo Glasser